

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:08CR3146
)	
v.)	
)	
ROBERT MARKS,)	MEMORANDUM AND ORDER
)	
Defendant.)	
_____)	

The defendant has moved to remove two conditions from the order setting conditions of pretrial release, the electronic monitoring and curfew provisions required by the Adam Walsh Amendments to the Bail Reform Act. I have in two other cases ([United States v. Merritt, 4:09cr3009](#) and [United States v. Rueb, 4:09cr3006](#)) ruled that those provisions of the Act are unconstitutional. Those decisions are now on appeal to the district judge. The same district judge is assigned to all three cases. The government suggests that I stay my consideration of the defendant's motion in this case until those appeals have been decided. I think that approach is reasonable.

IT THEREFORE HEREBY IS ORDERED:

Consideration of the defendant's motion to remove conditions of release, filing no. [27](#), is hereby stayed until further order following the resolution of the pending appeals in United States v. Merritt and United States v. Rueb.

DATED this 30th day of March, 2009.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge